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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,278	02/13/2007	Kurt Lappe	6281-000028/US/NP	8252
27572 7590 03/30/2009 HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			EXAMINER CHEN, YUAN L	
			ART UNIT 2854	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/579,278	Applicant(s) LAPPE, KURT	
	Examiner Yuan L. Chen	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/12/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, “inking unit” in line 4 Claim 4 and line 2 of Claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 2 – 11 and 12 – 17 are objected to because of the following informalities:

“A” in line 1 of Claims 2 – 11 and 12 – 17 should be changed to —the— because they are dependent claims;

“in that” in line 2 of Claim 6 should be deleted because of a typographic error;
and

“the color printing” in line 4 of Claim 6, “the printing device” in line 3 of Claim 8 and line 2 of Claim 13 and “the printing cylinder” in line 3 of Claim 10 have no proper antecedent basis for these limitations in the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1 - 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to Claim 1, lines 5 – 6 recite “a structure method”, which fails to particularly point out how the method works;

With respect to Claim 8, “the stretching of the transfer film is only carried out in a region which corresponds to a partial area of the printing device” in lines 2 – 3 combined

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with Claim 1 and 7 which Claim 8 is depended on have not provided any structure to enable stretching the transfer film in a way as recited. It is not understood how a transfer film can be partially stretched in a region corresponds to a partial area of the print device which has not been defined.

With respect to Claim 17, lines 3 – 5 recite “one roller having an axis that can be displaced in a transverse direction with respect to the sense of rotation”, which was not described in the specification or drawings and fails to particularly point out how the displacement of the roller works and what is the sense of rotation.

The remainder of the claims is rejected due to their dependencies on the above rejected claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 3 - 5, 10 - 12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by LaBelle et al. (Patent No.: US 6694872).

7. With respect to Claim 1, LaBelle et al. disclose in Fig. 1B as well as column 3 lines 36 – 42: a method for the production of printed products by combining various

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immediately successive processing methods, wherein the printed products to be produced are coated with a film (117) in predetermined positions in a film printing method in one step (104) of the method and are provided with a structure and/or are stamped in another step (102) of the method in a structure method and/or stamping method, wherein the printed products (110) to be produced successively undergo the steps of the method without intermediate storage.

With respect to Claim 3, LaBelle et al. disclose in Fig. 1B as well as column 3 lines 36 – 42: the printed products (110) to be produced are first provided with a structure and/or stamped (102) and are then coated with a film (104).

With respect to Claim 4, LaBelle et al. disclose in Figs. 1B and 2 as well as column 3 lines 36 – 42 and column 5 lines 25 – 26: in another step (106) of the method, the printed products (110) to be produced are printed with color in a printing stage comprising at least one inking unit (234).

With respect to Claim 5, LaBelle et al. disclose in Figs. 1B and 2 as well as column 3 lines 36 – 42 and column 5 lines 25 – 26: the printed products to be produced can be color printed (106) before or after (104) being coated with a film or before or after (102) being stamped.

With respect to Claim 10, LaBelle et al. disclose in Figs. 1B and 2 as well as column 5 lines 8 – 14: the transfer film (117) can be controlled with respect to the advance thereof with regard to the printing cylinder (228 same as the printing roller 12 in page 15 lines 2 – 5 of the specification and Fig. 1 of the Application) independently from the rotation thereof.

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With respect to Claim 11, LaBelle et al. disclose in Figs. 1B and 2 as well as column 3 lines 36 – 42 and column 4 lines 48 - 59: at least one structure and/or stamping calender (218/214) as well as at least one film transfer device (204).

With respect to Claim 12, LaBelle et al. disclose in Figs. 1B and 2 as well as column 3 lines 36 – 42 and column 5 lines 25 – 26: at least one printing device (206) comprising an inking unit (234).

With respect to Claim 16, LaBelle et al. disclose in Figs. 1B and 2 as well as column 3 lines 36 – 42 and column 5 lines 8 – 14: the film transfer device (204) comprises calendar (228/230).

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 6, 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Castleton (Pub. No.: WO 02/34521).

With respect to Claim 1, Castleton discloses in Fig. 3 as well as page 8 lines 7 – 10 and page 11 lines 8 – 10: a method for the production of printed products by combining various immediately successive processing methods, wherein the printed products (110) to be produced are coated with a film (35) in predetermined positions in a film printing method in one step (flat foiling) of the method and are provided with a structure and/or are stamped in another step (micro –embossing 200) of the method in

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a structure method and/or stamping method, wherein the printed products (110) to be produced successively undergo the steps of the method without intermediate storage.

With respect to Claim 2, Castleton teaches in Fig. 3 as well as page 8 lines 7 – 10 and page 11 lines 8 – 10: printed products (110) to be produced are first coated with a film (35) and then provided with a structure and/or stamped (200).

With respect to Claim 6, Castleton teaches (Fig. 3 as well as page 8 lines 7 – 10 and page 7 lines 27 – 30 of Castleton): the printed products to be produced are dried in another step (36) of the method, wherein the drying is carried out after (then) the film coating and/or after the color printing.

With respect to Claim 11, Castleton teaches (Fig. 3 as well as page 8 lines 7 – 10 and 19 – 22, page 7 lines 27 – 30 and page 9 lines 25 – 28 of Castleton): at least one structure and/or stamping calender (222/224) as well as at least one film transfer device (28, 30 and 32 - 35).

With respect to Claim 13, Castleton teaches (Fig. 3 as well as page 8 lines 7 – 10 and page 7 lines 27 – 30): a drying unit (36) downstream (then) the printing device and/or the film transfer device (28, 30 and 32 - 35).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7 – 8 and 14 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaBelle et al. in view of Lacey (Patent No.: US 5932150).

With respect to Claim 7, LaBelle et al. meet all limitations of the claimed invention except that the transfer film is stretched in the direction of width.

However Lacey discloses in Fig. 2 as well as column 6 lines 57 – 60 and column 7 lines 56 - 62: the film (12) is stretched in the direction of width (Y).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify LaBelle et al.'s method for the production of printed products by including a stretching step to increase film width as taught by Lacey for the purpose of improving the strength property and dimensional stability of the film.

With respect to Claim 8, as understood in view of the above rejections for indefiniteness, Lacey discloses in Fig. 2 as well as column 6 lines 35 – 45 and 57 – 60 and column 7 lines 56 – 62: the stretching of the transfer film is only carried out in a region which corresponds to a partial area of the printing device (by changing the size/dimension and/or symmetry of frame 26).

With respect to Claim 14, Lacey discloses in Fig. 2 as well as column 6 lines 35 – 45 and 57 – 60 and column 7 lines 56 – 62: the film (12) transfer device has at least one expander roller (20).

With respect to Claim 15, Lacey discloses in Fig. 2 as well as column 6 lines 57 – 60 and column 7 lines 56 – 62: the expander roller (20) is shorter than the width of the film transfer device (30).

12. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaBelle et al. in view of Lappe et al. (Patent No.: US 5565054).

LaBelle et al. meet all limitations of the claimed invention except a step of pressing.

However Lappe et al. disclose in Fig. 1 and column 5 lines 38 - 44: the printed products (2) to be produced are submitted to a pressing operation (8) in another step of the method after the film coating (7).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify LaBelle et al.'s method and device for the production of printed products by including a pressing step as taught by Lappe et al. for the purpose of improving the bonding and increasing the quality of the product.

13. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaBelle et al. in view of Huck (Patent No.: US 2699941).

LaBelle et al. further disclose in Figs. 1B and 2 as well as column 3 lines 36 – 42 and column 5 lines 8 - 14: the transfer material (117) is guided over at least one guide roller (226) having an axis.

LaBelle et al. do not teach that the roller axis can be displaced in a transverse direction with respect to the sense of rotation.

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However Huck discloses in Fig. 2 and column 5 lines 37 - 44: the transfer material is guided over at least one roller (53) having an axis that can be displaced (movable) in a transverse (lateral) direction with respect to the sense of rotation.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify LaBelle et al.'s method and device for the production of printed products by including the axial displaced roller as taught by Huck for the purpose of improving the movement of the transfer film.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yuan L. Chen whose telephone number is 571-270-3799. The examiner can normally be reached on Monday-Friday 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854

/yc/